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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14 **V.L. , et al.,**

15 Plaintiffs,

16 **v.**

17 **JOHN A. WAGNER, et al.,**

18 Defendants.
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20
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CV 09-4668 CW

**STIPULATION AND ORDER AS
MODIFIED [1] GRANTING PLAINTIFFS
LEAVE TO FILE SECOND AMENDED
COMPLAINT; [2] SETTING BRIEFING
SCHEDULE FOR DEFENDANTS'
MOTION TO DISMISS SECOND
AMENDED COMPLAINT; AND
[3] WITHDRAWING DEFENDANTS'
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

22 IT IS HEREBY STIPULATED between the parties through their respective counsel that,
23 subject to Court approval:

24 1. Plaintiffs are hereby granted leave to file a Second Amended Complaint, a copy of
25 which is attached hereto as Exhibit A. Plaintiffs' Second Amended Complaint shall be deemed
26 served and filed as of the date that this order is served and filed by the Court.

27 2. Defendants shall file a motion to dismiss or otherwise respond to the Second
28 Amended Complaint on or before February 2, 2010.

3. Plaintiffs' opposition to defendants' motion to dismiss shall be filed on or before March 2, 2010.

4. Defendants' reply shall be filed on or before March 16, 2010.

5. The parties agree that defendants' pending motion to dismiss portions of plaintiff's First Amended Complaint (Docket No. 204) is hereby withdrawn in light of the foregoing.

Dated: December 23, 2009

Respectfully submitted,

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/s/ Gregory D. Brown

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Dated: December 23, 2009

Respectfully Submitted,

By: /s/ Melinda Bird

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UDW, and CUHW*

GENERAL ORDER 45 ATTESTATION

I, Gregory D. Brown, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that plaintiffs' counsel have concurred in the filing of this document with their electronic signatures.

Dated: December 23, 2009

/s/ Gregory D. Brown
Gregory D. Brown

GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED,
**EXCEPT PLAINTIFFS SHALL ELECTRONICALLY FILE THE SECOND AMENDED
COMPLAINT FORTHWITH.**

12/30/09

DATED: _____



Hon. Claudia Wilken
United States District Judge

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